

GREENBERG TRAUIG LLP
Mark G. Tratos (Bar No. 1086)
F. Christopher Austin (Bar No. 6559)
Ronald D. Green, Jr. (Bar No. 7360)
3773 Howard Hughes Parkway, Ste. 500 N
Las Vegas, Nevada 89109
Tel: (702) 792-3773
Fax: (702) 792-9002

KRONENBERGER HANLEY, LLP
Karl S. Kronenberger (CA Bar No. 226112)
Terri R. Hanley (CA Bar No. 199811)
220 Montgomery Street, Suite 1920
San Francisco, CA 94104
Telephone: (415) 955-1155
Facsimile: (415) 955-1158

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY
(CAYMAN) LTD., a Cayman Islands
company,**

Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF
MEDICINE FOUNDATION, a
Netherland-Antilles company, et al,**

Defendants.

Case No. CV-S-05-0848-BES

**PLAINTIFF'S RESPONSE TO
DEFENDANT HOUGH'S ANSWER ON
BEHALF OF DEFENDANTS THOMAS
MOORE, M.D., SARAH B. WEINSTEIN,
RACHAEL E. SILVER, AND DIEDRE
MOORE**

INTRODUCTION

On April 4, 2006, almost two months after she filed her own answer to the Amended Complaint of St. Matthew's University, Ltd. ("St. Matthew's"), individual defendant Patricia L. Hough, M.D. ("Hough"), by and through her attorney, filed an Answer and Joinder to Motion to Dismiss the Amended Complaint as to individual defendants Thomas Moore, M.D., Sarah B. Weinstein, Rachael E. Silver and Diedre Moore (the "AAIMG Officer Defendants"). St. Matthew's was startled, though not surprised, by Hough's filing, insofar as it provides all but conclusive support for one of the Amended Complaint's key allegations: That the AAIMG Officer Defendants are aliases created and assumed by Hough and other individual defendants for the purpose of engaging in the misconduct underlying this litigation.

It is difficult to interpret Hough's Answer and Joinder to Motion to Dismiss as to the AAIMG Officer Defendants (the "Joinder") other than as a tacit – if not explicit – admission that Hough and the AAIMG Officer Defendants are one-in-the-same. In filing the Joinder, Hough quite literally stood in the shoes of the AAIMG Officer Defendants. In fact, given the rules governing pleading in federal court, it would be all but impossible for Hough to file an answer on behalf of anybody else, lest she and/or Reinmiller risk almost certain Rule 11 sanctions. At the least, the Joinder should be construed as an admission by Hough that she has detailed personal knowledge of the AAIMG Officer Defendants' activities relating to this litigation, and that Hough and the AAIMG Officer Defendants share a community of interest so strong as to permit or require one to engage in the other's defense.

I. BY STANDING IN THE SHOES OF THE AAIMG OFFICER DEFENDANTS, HOUGH CONCEDES THAT SHE AND THEY ARE ONE-IN-THE-SAME

In filing the Joinder on behalf of the AAIMG Officer Defendants, Hough quite literally stood in their shoes. The Joinder, as captioned, is an "Answer and Joinder to Motion to Dismiss the Amended Complaint Against Defendants Thomas Moore, M.D., Sarah B. Weinstein, Rachel E. Silver and Diedre Moore." It was filed, however, not by

1 counsel for the AAIMG Officer Defendants or even by the AAIMG Officer Defendants
2 themselves, but by Hough acting by and through her attorney, Nathan R. Reinmiller,
3 Esq. ("Reinmiller"). If Hough and the AAIMG Officer Defendants are not one-in-the-
4 same, then they share a community of interest so strong as to permit or require Hough
5 and Reinmiller to act as the AAIMG Officer Defendants' agents in this action.

6 The Court should not allow Hough to avoid the conclusion that she and the
7 AAIMG Officer Defendants are one-in-the-same by arguing that the Joinder somehow
8 relates to Hough's own defense. To the extent Hough intended the Joinder as an
9 answer or motion to dismiss on her own behalf, it was filed long after her primary answer
10 and motion to dismiss and thus would all but certainly be rejected as untimely. In any
11 event, in her answer, Hough already denied that she created, adopted and acted
12 through the AAIMG Officer Defendants. Answer of Patricia L. Hough, M.D. to Amended
13 Complaint of Plaintiff, ¶12. That being a matter particularly within her knowledge, she
14 cannot now claim some additional relationship to the AAIMG Officer Defendants entitling
15 her to raise arguments on their behalf.

16 **II. UNDER FRCP RULE 8(b), HOUGH COULD NOT HAVE ANSWERED FOR THE**
17 **AAIMG OFFICER DEFENDANTS ABSENT DETAILED PERSONAL KNOWLEDGE OF**
18 **THEIR ACTIONS**

19 Federal Rule of Civil Procedure Rule 8(b) requires each party to "admit or deny
20 the averments upon which the adverse party relies." If a party finds itself lacking
21 "knowledge or information sufficient to form a belief as to the truth of an averment, the
22 party shall so state ..." Hough, by and through Reinmiller, "adopts" for the AAIMG
23 Officer Defendants the Answer of Hough herself as to the Amended Complaint's second,
24 third, fifth and sixth claims. Hough nowhere indicates that she lacks the knowledge or
25 information to answer in relation to the AAIMG Officer Defendants, or even that the
26 AAIMG Officer Defendants' answer should or would differ from her own. The only way
27 for Hough to have such detailed knowledge about the AAIMG Officer Defendants was if
28 they were one-in-the-same, or were operating in such coordinated fashion as to inform

1 each of everything that the others did or knew in relation to the misconduct underlying
2 this litigation.

3 Hough may attempt to rebut the conclusion that she and the AAIMG Officer
4 Defendants are one-in-the-same by arguing that the Joinder was based on her personal
5 knowledge, not theirs. If that were true, however, the Joinder would constitute an almost
6 certain FRCP Rule 11 violation, insofar as it would misrepresent the AAIMG Officer
7 Defendants' knowledge and information concerning the Amended Complaint's
8 allegations, and would suggest a failure to conduct any reasonable inquiry into those
9 allegations' truth. Should Hough attempt to distance herself from the Joinder's denials,
10 St. Matthews will consider bringing a related motion.

11
12 Respectfully Submitted,

13
14 DATED: April 24, 2006.

KRONENBERGER HANLEY, LLP

15
16 By: 

Karl S. Kronenberger
Terri R. Hanley
Attorneys for Plaintiff
ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

17
18
19 DATED: April 24, 2006.

GREENBERG TRAURIG, LLP

20
21 By: 

22 Mark G. Tratos
23 F. Christopher Austin
24 Ronald D. Green, Jr.
25 Designated Local Counsel for Plaintiff
26 ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.
27
28

KRONENBERGER HANLEY, LLP
220 Montgomery Street, Suite 1920
San Francisco, CA 94104
www.KronenbergLaw.com

CERTIFICATE OF SERVICE

I am a resident of the state of California, over the age of eighteen years and not a party to this action. My business address is 220 Montgomery Street, Suite 1920, San Francisco, California, 94104.

On April 24, 2006, I served the following document(s):

1. PLAINTIFF'S RESPONSE TO DEFENDANT HOUGH'S ANSWER ON BEHALF OF DEFENDANTS THOMAS MOORE, M.D., SARAH B. WEINSTEIN, RACHAEL E. SILVER, AND DIEDRE MOORE

on the parties listed below as follows:

NATHAN REINMILLER, ESQ

Alverson Taylor Mortensen & Sanders
7401 West Charleston Blvd
Las Vegas, NV 89117
Fax: (702) 385-7000

☐

BY FACSIMILE MACHINE (FAX), by personally transmitting a true copy thereof via an electronic facsimile machine to the fax number listed herein.

☒

BY FIRST CLASS MAIL, by placing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, for collection and mailing, in San Francisco, California, following ordinary business practices, which is deposited with the US Postal Service the same day as it is placed for processing.

☐

BY PERSONAL SERVICE, by personally delivering a true copy thereof to the addressee(s) listed herein at the location listed herein.

☐

BY OVERNIGHT DELIVERY containing a true copy thereof to the addressee(s) listed herein at the location listed herein.

☐

BY EMAIL to the addresses listed above.

☐

(State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Jonathan S. Tam

KRONENBERGER HANLEY, LLP
220 Montgomery Street, Suite 1920
San Francisco, CA 94104
www.KronenbergLaw.com